

**MAIL STOP PATENT  
APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S. Kulchin Attorney Docket No.: KULS122520  
Application No.: -- Filed: Concurrently herewith  
Title: SOIL NAILING SYSTEM

PRELIMINARY REMARKS

Seattle, Washington 98101  
March 30, 2004

TO THE COMMISSIONER FOR PATENTS:

The Examiner is advised that this a continuation of prior application No. 10/246,106. By amendment after final rejection in the prior application, the rejected claims were canceled leaving only one allowed claim. Thus, that case was placed in condition for allowance.

The allowed claim was similar to Claim 4 of the present application. However, it contained the additional step of excavating the adjoining property after performing the steps recited in original Claim 4. Both Claim 1 and Claim 4 in this case have been amended to make it clear that the soil nails and the holes into which they are inserted extend from the property in which the retaining wall is being constructed into the adjoining property. Thus, when the adjoining property is excavated, the shearable retaining rods can be sheared without damage to the excavating equipment. This feature of applicant's invention is not disclosed or suggested by the prior art.

In addition, if the Examiner believes that an obviousness-type double patenting rejection is in order for this application in view of the allowed '106 application, applicant is willing to prepare and file the requisite terminal disclaimer.

The Examiner is therefore respectfully requested to examine the application, and in view of the claim amendments and comments, promptly allow the case and pass it to issue.

Respectfully submitted,

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